

# **APPENDIX B**



Atty Docket No.: 14923.0024

*Itw*

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schlothauer et al.  
Serial No.: 10/521,097  
371 Filing Date: November 4, 2005  
Title: *Composition*

Art Unit: 1645  
Examiner: Tongue, Lakia J

**Mail Stop Amendment**

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria VA 22314

**TRANSMITTAL**

Applicants submit copies of Statements of Corroboration dated April 3, 2007, relating to the deposit of microbial strains, *Lactobacillus sakei* 570 and *Leuconostoc mesenteroides* 808 at DSMZ on September 8, 2003 and July 23, 2003 respectively. Copies of the receipt of the deposit and priority documents are also attached.

The Statement attached at Exhibit A refers to PCT/GB2003/003436. The present application claims priority to PCT/GB2003/003436. The statement attached at Exhibit B refers to GB Patent Application No. 0218241 and U.S. Provisional Application Serial No. 60/413,727. The present application also claims priority to GB Patent Application No. 0218241 and U.S. Provisional Application Serial No. 60/413,727. While the headers of both executed Statements properly reference the applicant, filing date and title, each mistakenly refers to Application Serial No. 10/893,524, it should be clear from the contents of both statements that the statements are intended for Application Serial No. 10/521,097.

Should any further fees be required by the present Reply, the Commissioner is hereby authorized to debit or credit Deposit Account **19-4293**.

Date: 2-20-08

**Customer No. 27890**  
Stephoe & Johnson LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795  
Phone: 202-429-6748  
Fax: 202-429-3902

Respectfully submitted,

Harold H. Fox  
Reg. No. 41,498



Attorney's Docket No.: 14923.0024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schlothauer et al.  
Serial No.: 10/893,524  
371 Filing Date: November 4, 2005  
Title: *Composition*

Art Unit: 2829  
Examiner: Unassigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT

1. I am Inez Barbara Rademacher, Project manager R&D Danisco Deutschland GmbH; Inventor of Patent and technical support for the depositing of strain at DSMZ

2. I have personal knowledge that the microbial strain, *Lactobacillus sakei* 570, which was deposited as DSM 15889 on September 8, 2003, is the microbial strain *Lactobacillus sakei* 570, specifically identified in Example 6-9 on page 47, line 17 to page 50, line 24 of PCT/GB 2003/003436 as filed on August 6, 2003.

3. I have enclosed copies of the receipt of the deposit of *Lactobacillus sakei* 570 and a copy of PCT/GB 2003/003436.

4. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 03. April 2007

Inez B. Rademacher  
Inez Barbara Rademacher

**DSMZ**

Deutsche Sammlung von  
Mikroorganismen und  
Zellkulturen GmbH

DSMZ Mascheroder Weg 1b D-38724 Braunschweig

Danisco Specialties  
Danisco Niebüll GmbH  
Inez Rademacher  
Busch-Johannsen-Str. 1  
25899 Niebüll

Str 2 Zeichen / Your ref.

Unter Zeichen / Under ref.  
P-151 03/W

Tel.  
0531/23715

254 Datum / Date

2003-09-08

www.dsmz.de

Re.: Deposit of microorganisms according to the Budapest Treaty

Enclosed please find our Receipt and Viability Statements for the strain

*Lactobacillus sakei* DC-570 = DSMZ 15889

and our Invoice No. 2305628.

Sincerely yours,

*V. Weils*

Dr. Vera Weils

DSMZ-Deutsche Sammlung von Mikro-  
organismen und Zellkulturen GmbH

Further notes: After preservation of the strain you will receive samples for identity checking.

DSMZ-Deutsche Sammlung von  
Mikroorganismen und Zellkulturen GmbH  
Mascheroder Weg 1b  
D-38724 Braunschweig  
Tel.: 0531/23715-15  
Fax: 0531/23715-10  
E-Mail: [info@dsMZ.de](mailto:info@dsMZ.de)  
Web: <http://www.dsmz.de>

DSMZ-Deutsche Sammlung von  
Mikroorganismen und Zellkulturen GmbH  
Mascheroder Weg 1b  
D-38724 Braunschweig  
Tel.: 0531/23715-15  
Fax: 0531/23715-10  
E-Mail: [info@dsMZ.de](mailto:info@dsMZ.de)  
Web: <http://www.dsmz.de>

DSMZ-Deutsche Sammlung von  
Mikroorganismen und Zellkulturen GmbH  
Mascheroder Weg 1b  
D-38724 Braunschweig  
Tel.: 0531/23715-15  
Fax: 0531/23715-10  
E-Mail: [info@dsMZ.de](mailto:info@dsMZ.de)  
Web: <http://www.dsmz.de>

DSMZ-Deutsche Sammlung von  
Mikroorganismen und Zellkulturen GmbH  
Mascheroder Weg 1b  
D-38724 Braunschweig  
Tel.: 0531/23715-15  
Fax: 0531/23715-10  
E-Mail: [info@dsMZ.de](mailto:info@dsMZ.de)  
Web: <http://www.dsmz.de>

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

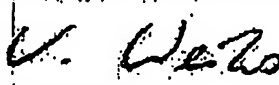
**DSMZ**

Deutsche Sammlung von  
Mikroorganismen und  
Zellkulturen GmbH

## INTERNATIONAL FORM

Danisco A/S  
Langebrogade 1  
PO Box 17  
DK-101 Copenhagen K

REPORT IN THE CASE OF AN ORIGINAL DEPOSIT  
under paragraph 10.1.1. by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified in the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM:	
Identification reference given by the DEPOSITOR: DC 570	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSMZ 15989
II. SCIENTIFIC DESCRIPTION AND PROPOSED TAXONOMIC DESIGNATION:	
The microorganism identified under 1. above was accompanied by: <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under 1. above, which was received by it on: 2003-09-02 (Date of the original deposit)	
IV. RECEIPT OF REQUEST FOR CONSERVATION	
The microorganism identified under 1. above was accepted by this International Depositary Authority as and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on: (Date of original deposit) (Date of receipt of request)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MICROORGANISMEN UND ZELLKULTUREN GmbH Address: Minnerstrasse 17, 1 D-36124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority in its function of receipt:  Date: 2003-09-02

Where Rule 1.4(d) applies, such date is the date on which the deposit of International Depositary Authority was accepted.

Form DSZ-824 (date 2002) 12/2001

BUDAPESTER VERTRAG ÜBER DIE INTERNATIONALE  
ANERKENNUNG DER HINTERLEGUNG VON MIKROORGANISMEN  
FÜR DIE ZWECKE VON PATENTVERFAHREN

**DSMZ**

Deutsche Sammlung von  
Mikroorganismen und  
Zellkulturen GmbH

INTERNATIONALES FORMBLATT

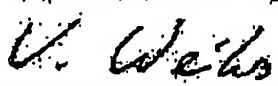
Danisco A/S

Langebrogade 1

PO Box 17

DK-101 Copenhagen K

LEBENSFAHIGKEITSBESCHNÜGUNG  
gemäß Artikel 16 Abs. 1 des Bioterrorgesetzes  
INTERNATIONALE HINTERLEGUNGSTELLE

I. ANTRAGSTELLE	II. KONTZEHNUNG DES ANTRAGSORGANISIERERS
Name: Danisco A/S Anschrift: Langebrogade 1 PO Box 17 DK-101 Copenhagen K	Von der INTERNATIONALEN HINTERLEGUNGSTELLE zugewiesen: DSM 15869 Datum der Hinterlegung oder Weiterleitung: 2003-09-02
III. LEBENSFAHIGKEITSBESCHNÜGUNG	
Die Lebensfähigkeit des unter II genannten Mikroorganismus ist am 2003-09-02 bestätigt worden. Zu diesem Zeitpunkt war der Mikroorganismus (x) lebendfähig ( ) nicht mehr lebendfähig	
IV. BEDINGUNGEN, UNTER DENEN DIE LEBENSFAHIGKEITSPRÜFUNG DURCHFÜHRT WORDEN IST	
V. INTERNATIONALE HINTERLEGUNGSTELLE	
Name: DSMZ DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Anschrift: Maschenstr. Weg 1b D-50129 Berlin-Schöneberg	(Unterschrift) der zur Vertretung der internationalen Hinterlegungstelle befähigten Person(en) oder der (der) mit der entsprechenden Befugnis(n)  Datum: 2003-09-08

Angabe des Datums der Bestätigung. Wenn keine weitere Hinterlegung oder eine Weiterleitung vorgeschrieben werden ist, Angabe des Datums der  
 jeweils letzten erneuten Hinterlegung oder Weiterleitung.  
 In dem in Regel 16B des Übereinkommens zu Artikel II des Bioterrorgesetzes (40a) Artikel 16 des Übereinkommens zur Lebensfähigkeitsprüfung  
 Zuhilfenahme genommen.  
 Anfügen, wenn die Angaben beantragt werden sind und wenn die Ergebnisse der Prüfung bekannt werden.